

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

WILLIAM F. HOBBS,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

*

*

*

*

*

*

*

*

*

*

*

No. 08-775V

Special Master Christian J. Moran

Filed: September 16, 2009

Stipulation; influenza vaccine;
Guillain-Barre Syndrome (GBS);
methicillin-resistant-Staphylococcus
aureus; infection; surgery.

UNPUBLISHED DECISION¹

Altom M. Maglio, Esq., Maglio, Christopher Toale & Pitts, Sarasota, FL, for Petitioner;
Ann D. Martin, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

On September 14, 2009, the parties filed a joint stipulation concerning the petition for compensation filed by William Hobbs on October 29, 2008. In his petition, Mr. Hobbs alleged that the influenza vaccine, which is contained in the Vaccine Injury Table, 42 C.F.R. §100.3 (a), and which Mr. Hobbs received on October 1, 2007, caused him to sustain the first symptom or manifestation of Guillain-Barre Syndrome (“GBS”) the next day, on October 2, 2007. Mr. Hobbs also alleged that as a result of his inpatient care for GBS, he contracted methicillin-resistant-Staphylococcus aureus, which led to an infection and surgery and ultimately resulted in left foot drop, as well as pain and numbness in his left foot and leg. Mr. Hobbs alleged that these

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, the person submitting the information has 14 days to identify and to move to delete such information before the document's disclosure. If the special master agrees that the identified material fits within the categories listed above, the special master shall redact such material from public access. 42 U.S.C. § 300aa-12(d)(4)(B); Vaccine Rule 18(b).

conditions persist to date.

Respondent denies that Mr. Hobbs's GBS was caused in fact by the influenza vaccine and denies that Mr. Hobbs suffers any current disabilities that are sequelae of a vaccine-related injury.

Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

A lump sum payment of \$200,000.00 in the form of a check payable to petitioner.

This amount represents compensation for all damages that would be available pursuant to 42 U.S.C. § 300aa-15(a).

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 08-775V according to this decision and the attached stipulation.

Any questions may be directed to Francina Segbefia at (202) 357-6358.

IT IS SO ORDERED.

S/ Christian J. Moran

Christian J. Moran
Special Master